

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Nooksack Post Office,)
Nooksack, Washington 98276)

Docket No. A2011-17

ANSWER OF THE PUBLIC REPRESENTATIVE
IN SUPPORT OF PETITIONER'S MOTION TO COMPEL

(June 15, 2011)

By motion dated June 14, 2011, Petitioner, the City of Nooksack, seeks an order compelling the Postal Service "to produce the administrative record supporting closure of the Nooksack Post Office."¹ Pursuant to rule 21 of the Commission's rules of practice, the Public Representative hereby files its Answer in support of Petitioner's Motion.

In the Order establishing procedures in this proceeding, the Commission established May 31, 2011, as the deadline for the filing by the Postal Service of the administrative record.² In its Motion, Petitioner points out that the Postal Service has not yet filed the administrative record. Motion at 2. In seeking an order compelling the Postal Service to file the administrative record, Petitioner asserts that "for there to be a meaningful review in the instant case it is imperative that the Commission obtain and review the record that compelled the Postal Service to close the Nooksack Post

¹ Motion of the Petitioner, City of Nooksack, to Compel Administrative Record, June 14, 2011 (Motion). Although dated June 14, 2011, Petitioner's Motion was not docketed until June 15, 2011.

² Notice and Order Accepting Appeal and Establishing Procedural Schedule, May 19, 2011, at 6 (May 19 Order).

Office."³ *Id.* at 4. The Public Representative agrees with Petitioner and supports the issuance of an order directing the Postal Service to file the administrative record.

WHEREFORE, the Public Representative urges the Commission to grant Petitioner's Motion.

Respectfully Submitted,

/s/ Richard A. Oliver

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³ In an apparent attempt to short-circuit these review proceedings and avoid the filing of the administrative record, the Postal Service has made a belated attempt to characterize its closing of the Nooksack Post Office as an "emergency suspension" as opposed to a "closure". See Motion of the United States Postal Service to Dismiss Proceedings, May 31, 2011. Both Petitioner and the Public Representative have opposed dismissal. See Answer of the Petitioner, the City of Nooksack, in Opposition to Postal Service Motion to Dismiss, June 7, 2011; and Answer of the Public Representative in Opposition to Postal Service Motion to Dismiss, June 7, 2011. The attempted relabeling by the Postal Service of its actions does not change the fact that the Postal Service has assembled information by means of questionnaires and a public meeting. Motion at 2-3. That information constitutes an "administrative record" within the contemplation of the Commission's May 19 Order.